

and Darlington Asset Management of Geneva, Switzerland. But a big part of his heart was always in the mountains.

Charley's love of climbing has taken him throughout Colorado's mountainous landscape, especially the backcountry peaks in Rocky Mountain National Park. He also climbed in the Swiss Alps and the Cascades along the Pacific Northwest.

Raised with a belief that volunteer service is the price one pays for living on this planet, it did not take long before his love of the mountains and his passion to serve the community combined into an almost 20-year commitment to the mountain rescue community.

In 1985, Charley joined the Alpine Rescue Team, a volunteer mountain rescue group that provides rescue services in portions of the Front Range and Summit County, including 4 of Colorado's Fourteeners (peaks with elevations over 14,000 feet, for those unfamiliar with the term). Within 4 years he was president of Alpine Rescue Team, and over the years he has served as the team's mission leader, public information officer and helicopter specialist.

In 1997, Charley was honored by the Colorado Search and Rescue Board with the Hunter Holloway Spirit Award for his work developing Colorado's "Avalanche Awareness Week." Avalanches are a serious issue in Colorado and other mountainous western states. Sadly, lives are lost every year to avalanches and western states frequently encounter road closures due to avalanches, which affects local economies and tourism. As a result, Charley's contributions here are very significant and worthy of such recognition.

Eventually Charley's focus expanded from the Alpine Rescue Team and Colorado search and rescue activities to the national Mountain Rescue Association (MRA) and international rescue consulting. He has served as chair of the MRA's Rocky Mountain Region and continues to serve as chair of the organization's Education Committee. Charley is the author of several national MRA manuals, including "Accidents in Mountain Rescue Operations," "Search and Rescue for Outdoor Leaders," "Helicopters in Search and Rescue Operations," and "Avalanche Rescue Operations." He is a frequent lecturer at meetings of the Wilderness Medical Society, the Mountain Rescue Association and the International Technical Rescue Symposium, and has consulted with government agencies and rescue groups throughout the world.

Despite these awards and accomplishments, Charley's most personally rewarding search and rescue mission was the 1990 rescue of a lost hiker in which he served as incident commander. The hiker was found after 12 hours, but, more importantly, the "reporting party" was a woman who later became Charley's wife. It was the only instance anyone in the mountain rescue community can recall in which a person who reported a search eventually married one of the rescuers.

In May 1993, Charley left the corporate world to work full time on climbing and mountaineering issues as the executive director of the American Alpine Club (AAC), a national association of climbers and mountaineers dedicated to promoting climbing knowledge, conserving mountain environments and representing the American climbing community. At that time, the AAC had a membership base of 1,700 members, annual operating revenue of \$300,000 and net assets of \$2.8 million.

Charley often remarked that the AAC's greatest asset was its potential. Over his 11-year tenure as executive director, he spurred the Club into action on a number of fronts. The AAC, in partnership with the Colorado Mountain Club, bought and renovated the historic (and then vacant) Junior High School building in Golden, Colorado at the foot of the Front Range, turning it from a public eyesore into the American Mountaineering Center, a facility housing several regional and national climbing organizations and hosting climbing-related conferences and events. He oversaw a transformation in the Club's library from an obscure collection of unorganized mountaineering books into arguably the finest mountaineering library in the world, fully cataloged and electronically searchable by any Internet user in the world. He expanded the AAC's advocacy efforts on behalf of climbers so that the Club was a leading voice on such issues as mountain rescue, climbing ethics, conservation of alpine regions, and management of climbing destinations both domestically and abroad. Charley was an enthusiastic advocate of the AAC Press, the Club's publishing arm, which documented world climbing and published award winning historical guidebooks to several climbing disciplines.

In October, Charley resigned from the AAC and accepted a position as Executive Director of the Colorado Association of Nonprofit Organizations. When he left the AAC, it had grown to 7,500 members, an annual operating budget of \$1.3 million and net assets of \$7 million—an almost four-fold increase in most categories. The organization's staff grew in both size and professional capability during his tenure. Though his leadership will be missed by American climbers, he looks forward to new challenges rallying the Colorado nonprofit community to similar gains.

**HONORING PRIVATE FIRST CLASS
HARLOW E. KENDING FOR HIS
SERVICE IN WORLD WAR II**

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor Private First Class Harlow E. Kending for his valiant deeds during military service in World War II.

As a member of the Headquarters Battery, 448th Anti-Aircraft Artillery Automatic Weapons Battalion, Mr. Kending fought against the scourge of Nazism that threatened to overtake the globe. On November 23, 1944, while in Morhange, France, Mr. Kending's battery was attacked by enemy artillery. During this attack, an ammunition truck was struck and a fire ensued. Disregarding the impending dangers, Private Kending heroically took command of the situation, jumped into the nearest fuel truck, and drove it to a safer location. As the salvos rained down, Private Kending remained undaunted in evacuating the remaining vehicles and labored in the thick of battle until the fire was contained.

For his heroic actions, Mr. Kending was awarded the Purple Heart and the Bronze Star. It is my pleasure to present to him these medals after nearly sixty years of waiting.

The heroism and dedication of Private First Class Harlow E. Kending is what makes our

military the greatest fighting force in the world. The courage he displayed during his service in World War II is exemplary of the American spirit. Mr. Kending's bravery will not be forgotten as Americans and freedom loving people all over the world remain forever indebted to his service.

**H.R. 4518, THE SATELLITE HOME
VIEWER EXTENSION AND REAUTHORIZATION ACT OF 2004**

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2004

Mr. UPTON. Mr. Speaker, I would like to submit the following Remarks for the Record. We have before us H.R. 4518, the "Satellite Home Viewer Extension and Reauthorization Act of 2004" (SHVERA). H.R. 4518 reauthorizes certain expiring communications and copyright act provisions that govern the retransmission of broadcast television signals by direct broadcast satellite (DBS) providers such as DirecTV and EchoStar. It also modernizes other provisions to enhance consumer choice, increase parity between satellite and cable operators, and further promote competition. Because the bill implicates both communications and copyright issues, the House Energy and Commerce Committee and the House Judiciary Committee have worked closely in drafting the legislation.

Indeed, pursuant to a compromise between the House Energy and Commerce Committee and the House Judiciary Committee, H.R. 4518 has now been amended to combine its copyright provisions with the Communications Act provisions of H.R. 4501. H.R. 4501 resulted from an extensive examination of satellite television issues in the House Energy and Commerce Committee. The Subcommittee on Telecommunications and the Internet held an oversight hearing on March 10, 2004, and a legislative hearing on April 1, 2004. The Subcommittee then marked up legislation on April 28, 2004, and the full Committee marked up legislation on June 3, 2004. That legislation became H.R. 4501. The Committee filed a report on H.R. 4501 (H. Rept. 108-634) on July 22, 2004.

What follows is a section-by-section analysis of some of the Communications provisions in Title II of H.R. 4518, as amended, that have changed from the provisions that originated in H.R. 4501. Mr. BARTON, Chairman of the House Energy and Commerce Committee, has also addressed some of the changes.

SECTION 202. CABLE/SATELLITE COMPARABILITY

Section 340(f) creates a mechanism to enforce the new provisions regarding satellite delivery of significantly viewed signals. Under section 340(f)(1), the FCC may issue a cease and desist order if it finds in response to a complaint that satellite operators are carrying broadcast signals in violation of Section 340. If a broadcast station seeks damages, section 340(f)(1)(A) authorizes the FCC to award the station up to \$50 per subscriber illegally served, per station illegally carried, per day of the violation if the FCC finds that the satellite operator did not have a good-faith belief that provision of the signal was lawful. Conversely, if a broadcaster seeks damages and the FCC finds that the broadcaster's claims were made